
(2009) 04 AHC CK 0679
In the Allahabad High Court

Malti Singh @ Madhuri, W/O-Sri S.B.Singh
Vs

APPELLANT

District Judge, Sultanpur

RESPONDENT

Date of Decision : 29-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0679

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Allowed

Judgement

B. K. Narayana, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the opposite parties No.1 and 2.

Issue notice to the opposite party No.3 returnable within six weeks.

Steps within a week.

List this case in the week commencing 13th July, 2009.

The argument is that the election petition filed by the opposite party No.3 challenging the petitioner's election having been dismissed on merits by the Prescribed Authority, the opposite party No.1 in the revision preferred by the opposite party No.3 against the order of the Prescribed Authority could not have set aside the order of the opposite party No.2 and remanded the case for decision afresh only on the ground that the opposite party No.2 committed a manifest error of law in dismissing the election petition on the ground of nonjoinder of the necessary party without reversing the findings recorded in the order of the opposite party No.2 on other issues.

Submission made by the learned counsel for the petitioner appears to have some force and the petitioner is entitled to grant of interim relief.

For the aforesaid reason, the effect and operation of the order dated 12.02.2009 passed by the opposite party No.1 in Panchayat Revision No.9 of 2008, Abdul

Samad Vs. Smt. Malti Singh, shall remain stayed till the next date of listing.